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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,095	01/15/2002	Haruki Yambe	OKI 289	1265
23995	7590	01/07/2005	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			CAI, WAYNE HUU	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/045,095

Applicant(s)

YAMBE, HARUKI

Examiner

Wayne Cai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of a data communication system in the reply filed on 10/12/2004 is acknowledged.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (hereinafter Mori) (US – 6,625,471 B2) in view of Nagel et al (hereinafter Nagel) (US 6,295,460 B1).

Regarding claim 1, Mori discloses a data communication system comprising:

- a portable device for effecting radio communication (column 1, lines 18-20, and figure 1A, item 10);
- a communication adapter card (column 1, lines 27-28, and figure 1A, item 50);
- a computer in which the communication adapter card is inserted to execute data processing (column 1, lines 32-40, and figure 1A, item 20);

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- a connector cable composed of a first connector connected to the portable device (column 1, lines 21-22 & 28-29, and figure 1A, items 10a & 40a), a second connector connected to the communication adapter card for outputting identification information to identify one of the communication systems employed by the portable device (column 1, lines 30-31, and figure 1A, items 40b & 50a), and a cable for connecting between the first and second connectors (column 1, lines 27-28, and figure 1, item 40).

Mori, however, fails to disclose a communication adapter card for storing therein a plurality of communication protocols corresponding to a plurality of communication systems employed by the portable device.

Nagel discloses a communication adapter card for storing therein a plurality of communication protocols corresponding to a plurality of communication systems employed by the portable device (column 19, lines 23-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a communication adapter card storing therein a plurality of communication protocols because it could be compatible with various devices, and more convenient for users to use it in different devices.

Regarding claim 2, Mori and Nagel disclose the data communication system of claim 1 as described above. Nagel discloses, wherein the communication adapter card selects one of the communication protocols on the basis of the identification information (column 19, lines 23-30).

Regarding claim 3, Mori and Nagel disclose the data communication system of claim 2 as described above. Mori and Nagel, however, fail to disclose, wherein the second connector identifies the communication system employed by the portable device on the basis of the data transmitted from the portable device. However, it is obvious that the second connector identifies the communication system employed by the portable device on the basis of the data transmitted from the portable device because in order to make a communication between the portable device and the computer, the second connector must be able to identify the system to make communication.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al (hereinafter Mori) (US – 6,625,471 B2) in view of Nagel et al (hereinafter Nagel) (US – 6,295,460 B1), and in further view of Nakamura (JP 06097991 A).

Regarding claim 4, Mori and Nagel disclose the data communication system according to claim 2. Mori and Nagel, however, fail to disclose, wherein the second connector has a switching part for outputting the identification information by manually switching the switching part on the basis of the communication system employed by the portable device.

Nakamura discloses wherein the second connector has a switching part for outputting the identification information by manually switching the switching part on the basis of the communication system employed by the portable device (lines 1-5 of constitution and figure 3, switch 17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the switching part so that users could manually control it.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (703) 305-0265. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Wayne Cai  
Examiner  
Art Unit 2681

